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November 25, 2009

Via Hand Delivery

The Honorable Thomas N. O'Neill, Jr.
United States District Court for the
Eastern District of Pennsylvania
U.S. Courthouse
601 Market Street, Room # 4007
Philadelphia, PA 19106-1714

Re: Niester, et al. v. Moore, et al.
U.S.D.C. E.D. Pa. 08-5160

Dear Judge O'Neill:

This firm represents defendant TD Bank, N.A. ("TD Bank") in the above-referenced matter. We submit this letter on behalf of TD Bank and with the concurrence of Plaintiffs' counsel to request permission to take discovery from non-party Stuart Lacheen after the discovery end date of December 4, 2009.¹ Mr. Lacheen was originally one of the defendants in this case, but plaintiffs dismissed him from the action after entering into a settlement with him.

This request, which will not affect any of the other deadlines in this action, is necessitated by TD Bank's need to take discovery from Mr. Lacheen. TD Bank has attempted over the last several months to serve Mr. Lacheen with subpoenas for testimony and documents, but has been unable to effect service upon him. Mr. Lacheen's attorney recently contacted my firm and agreed to produce Mr. Lacheen for deposition on December 9, 2009, which is less than one week after the December 4, 2009, discovery cut-off. We therefore request permission to take Mr. Lacheen's deposition on December 9, or at such time that he is produced for deposition.

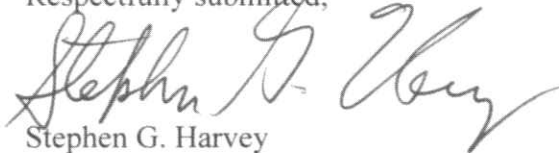
¹ As Your Honor may recall, TD Bank is the only remaining defendant that has appeared in the case.

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If Your Honor has any questions regarding this request, please let me know.

Respectfully submitted,


Stephen G. Harvey

cc: Richard C. Sokorai, Esq. (via email)
Keri A. Schantz, Esq. (via email)
Eric J. Goldberg, Esq.

IT IS SO ORDERED.



O'NEILL, J. 12/1/09